

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BRANDON WAGNER,

Plaintiff,

v.

No. CV 20-1337 KWR/CG

NEW MEXICO CORRECTIONS
DEPARTMENT, WARDEN DANIEL SALAZAR,
And WEXFORD HEALTH SOURCES, Inc.,

Defendant.

AMENDED ORDER SETTING ZOOM SETTLEMENT CONFERENCE

THIS MATTER is before the Court upon Plaintiff's *Notice of Change of Address* (Doc. 40), filed February 2, 2022, and communication from Plaintiff's counsel, indicating that Plaintiff has been transferred from the New Mexico Corrections Department to a prison facility located in Rhode Island. The Court therefore finds it appropriate to amend its prior *Order Setting Zoom Settlement Conference*, (Doc. 36), as follows.

To facilitate a final disposition of this case, a mandatory settlement conference will be conducted in accordance with Federal Rule of Civil Procedure 16(a)(5). Pursuant to the parties' request, the Court will hold the upcoming settlement conference via Zoom.

The conference will be held on **Tuesday, March 22, 2022, at 9:00 a.m.** A telephonic status conference will be held on **Tuesday, March 15, 2022, at 10:30 a.m.**, to discuss the parties' positions, as set forth in the Court's *Order Setting Telephonic Pre-Settlement Status Conference*, (Doc. 35).

IT IS HEREBY ORDERED that the parties and a designated representative, other than counsel of record, with full authority to resolve the case, must attend via

Zoom; counsel who will try the case must also attend via Zoom. All attorneys and parties involved in the settlement conference must treat as confidential the information discussed, positions taken, and offers made by other participants in preparation for and during the conference.¹

IT IS FURTHER ORDERED that:

1. By **February 22, 2022**, Plaintiff's counsel shall serve on Defendants' counsel a concise letter that sets forth a settlement demand itemizing the principal supporting damages or other relief that Plaintiff assert would appropriately be granted at trial.
2. By **March 1, 2022**, Defendants' counsel shall serve on Plaintiff's counsel a concise letter that sets forth a response to the settlement demand.
3. By **March 8, 2022**, each party shall provide to the Court:
 - a. A copy of each letter that was sent to an opposing party;
 - b. A confidential, concise letter containing an analysis of the strengths and weaknesses of its case; and
 - c. Any video or audio recordings of the incident upon which this action is based.
 - d. **This letter should also contain the email addresses and phone numbers for all participants in the settlement conference. This contact information will be used to send the invitation to attend the settlement conference via Zoom.**

These materials may be submitted to the Court by email:
garzaschambers@nmd.uscourts.gov

4. Each of these letters typically should be five (5) pages or fewer, and counsel will ensure that each party reads the opposing party's letter before the settlement conference.
5. Before **March 15, 2022**, counsel shall confer with one another about their clients' respective positions.

¹ This does not prohibit disclosures stipulated to by the parties, necessary in proceedings to determine the existence of a binding settlement agreement, or as otherwise required by law.

6. On **March 15, 2015, at 10:30 a.m.**, counsel shall call Judge Garza's AT&T line at (877) 810-9415, follow the prompts, and enter access code 7467959, for a pre-settlement telephonic status conference

A party must show good cause to vacate or reschedule the settlement conference. Any such request must provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the settlement conference.

IT IS FINALLY ORDERED that the **State of Rhode Island Department of Corrections, John J. Moran Medium Security Facility** staff and contractors must ensure Plaintiff is provided complete privacy and confidentiality for the duration of the settlement conference. Plaintiff shall be allowed to participate in the settlement conference via Zoom in a private room on his own. No other person, including facility security staff, shall be allowed in the room for the duration of the settlement conference. The computer or tablet used for the Zoom conference shall not be monitored or recorded by any person.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', written over a horizontal line.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE